

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>EDWARD JAMES PRICE,</b>	)	
	)	
<b>Plaintiff,</b>	)	<b>Case No. 1:23-cv-26</b>
	)	
<b>v.</b>	)	
	)	
<b>MERCER COUNTY PRISON,</b>	)	
	)	
<b>Defendant.</b>	)	

**MEMORANDUM ORDER**

This *pro se* civil action was opened on February 8, 2023 and referred to Chief United States Magistrate Judge Richard A. Lanzillo for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Civil Rule 72(b). ECF No. 1. The Plaintiff, Edward James Price, lodged a complaint under 42 U.S.C. §1983 against the Mercer County Prison, claiming that the prison violated his “rights to be protected and cared for.” ECF No. 1-1 at 3, ¶II(B).

Pending before the Court is Judge Lanzillo’s Report and Recommendation (“R&R”) issued on July 19, 2024. ECF No. 23. In his R&R, Judge Lanzillo recommends that this Court dismiss the instant action based on Plaintiff’s failure to prosecute his claims. Objections to the R&R were due on or before August 5, 2024; however, no objections have been received to date.

Another matter still pending in this case is Plaintiff’s prior appeal of Judge Lanzillo’s August 29, 2023 Order administratively closing this action. ECF Nos. 11, 19. Judge Lanzillo had previously ordered the administrative closure of this case pending Plaintiff’s (a) payment of the requisite filing and administrative fees or (b) submission of a properly supported motion to

proceed *in formal pauperis*. ECF No. 11. The case was subsequently reopened on February 9, 2024.

After *de novo* review of the complaint and documents in the case, including Plaintiff's appeal of Judge Lanzillo's August 29, 2023 Order to administratively close this case, and Judge Lanzillo's Report and Recommendation, the following order is entered:

NOW, this 19th day of August, 2024, IT IS ORDERED that Plaintiff's appeal [19] of the Chief Magistrate Judge's August 29, 2023 Order to administratively close this action [11] is DISMISSED as moot, in light of the reopening of this case on February 7, 2024.

IT IS FURTHER ORDERED that the Report and Recommendation of Chief Magistrate Judge Lanzillo, issued on July 19, 2024, ECF No. [23], is adopted as the opinion of this Court and, accordingly, the within civil action is hereby DISMISSED with prejudice based on Plaintiff's failure to prosecute his claims.

As there are no additional matters pending before the Court in the above-captioned civil action, the Clerk is directed to mark this case "CLOSED."

A handwritten signature in cursive script, reading "Susan Paradise Baxter".

SUSAN PARADISE BAXTER  
United States District Judge